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BRINKS HOFER GILSON & LIONE P.O. BOX 10395 Chicago, IL 60610			SALIARD, SHANNON S	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/886,247	DOMENICK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shannon S. Saliard	3639

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-16,18-23,25 and 26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-16,18-23,25 and 26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1, 12-16, 18, 19, 22, and 25. Claims 7, 17, 24, and 27 have been cancelled. No new claims have been added. Thus, claims 1-6, 8-16, 18-23, 25, and 26 remain pending and are again presented for examination.

### ***Response to Arguments***

2. Applicant's amendments, filed 10 February 2006, with respect to the rejections of claims 12 and 14-19 under 35 U.S.C. 112, Second Paragraph have been fully considered and are accepted. The rejections of claims 12 and 14-19 under 35 U.S.C. 112, Second Paragraph have been withdrawn.

3. Applicant's arguments, filed 10 February 2006, with respect to rejections of claims 1, 2, 4-7, 10-13, and 16-18 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejections of claims 1, 2, 4-7, 10-13, and 16-18 under 35 U.S.C. 101 have been withdrawn.

4. Applicant's arguments with respect to the rejections of claims 1-4, 12, 22, and 23 under 35 U.S.C. 102 (b), claims 14, 16, and 18-21 under 35 U.S.C. 102 (e), and claims 5, 6, 8-11, 13, 15, 25, and 26 under 35 U.S.C. 103 (a) have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 12, 22, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Postrel [US 2004/0220854].

As per **claim 1**, Vance et al discloses a method of packaging travel services for a customer comprising the steps of: defining a travel package profile (col 5, lines 13-17); communicating with a plurality of travel service providers, wherein each of said plurality of providers is associated with one or more travel service inventories; identifying a plurality of travel services available from said travel service inventories; selecting two or more travel services from said plurality of travel services in accordance with said travel package profile (col 5, lines 34-38); and presenting said two or more selected travel services as a travel package to said customer (col 5, lines 38-48). Vance et al does not disclose identifying one or more marketing campaign parameters; defining a travel package profile based at least in part on said one or more marketing campaign parameters; and including said marketing campaign parameters in said travel package profile. However, Postrel discloses a database for storing offer parameters of coupon offering companies that provide the parameters to a travel coupon server [0012; 0013].

The travel coupon server may generate an initial package for the traveler [0059] and the offer is stored in the database where the user identifier is associated with the offer [0060]. The coupon server then prepares a traveler package [0061; 0066]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the method disclosed by Postrel. Postrel states that the travelers typically know little of the available offerings other than the information that is supplied by a travel agent. Thus, the system helps to publicize the offerings of multiple companies to customers.

As per **claim 2**, Vance et al further discloses wherein said plurality of travel services includes one or more of the following: transportation services; lodging services; recreational services, and entertainment services (col 5, lines 34-38).

As per **claim 3**, Vance et al further discloses wherein said step of communicating with a plurality of travel service providers is performed via an open-standard distributed computer network (col 4, lines 26-38).

As per **claim 4**, Vance et al further discloses wherein said step of defining a travel package profile further comprises the steps of: identifying one or more relevant customer travel preferences; and including said customer travel preferences in said travel package profile (col 5, lines 13-17).

As per **claim 12**, Vance et al further discloses receiving an order for a custom travel package from said customer; and reserving said selected two or more selected travel services for said customer (col 12, lines 21-34).

As per **claim 22**, Vance et al discloses a system for packaging travel services for a customer, said system comprising: an exchange means for sharing information with one or more travel service provider inventory systems to receive one or more updated inventories of available travel services; a packaging means, in communication with said exchange means, for selecting a plurality of travel services from said inventories of available travel services, wherein said selection is based upon a travel package profile; and a presentation means, in communication with said packaging means, for presenting said selected plurality of travel services as a package to said customer (col 5, lines 30-48). Vance et al does not disclose a storage means for storing a plurality of marketing campaign parameters and that the travel package profile includes one or more of said plurality of marketing campaign parameters. However, Postrel discloses a database for storing offer parameters of coupon offering companies that provide the parameters to a travel coupon server [0012; 0013]. The travel coupon server may generate an initial package for the traveler [0059] and the offer is stored in the database where the user identifier is associated with the offer [0060]. The coupon server then prepares a traveler package [0061; 0066]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the method disclosed by Postrel. Postrel states that the travelers typically know little of the available offerings other than the information that is supplied by a travel agent. Thus, the system helps to publicize the offerings of multiple companies to customers.

As per **claim 23**, Vance et al further discloses said system further comprising: a storage means for storing a plurality of customer travel preferences associated with said

customer; wherein said package profile includes one or more of said plurality of customer travel preferences (col 5, lines 13-17).

7. **Claims 14, 16, and 18-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [U.S. Publication No. US2002/0082877] in view of Postrel [US 2004/0220854].

As per **claim 14**, Schiff et al discloses a system for packaging travel services for a customer, said system comprising: a travel package profile including at least a plurality of data relating to a desired travel service package (0012); a market place engine in communication with one or more travel service provider inventory systems, said market place engine being programmable to query said travel service provider inventory systems for updated travel service provider inventory information (0082); a dynamic packaging engine in communication with said market place engine and said customer preference database, said dynamic packaging engine being programmable to select a plurality of available travel services according to said updated travel service provider inventory information and said plurality of data included in said travel package profile; and a customer interface programmable to present said selected plurality of travel services as a package to said customer (0010). Schiff et al does not disclose a marketing campaign repository including a plurality of marketing campaign parameters; a travel package profile, based at least in part on one or more of said plurality of marketing campaign parameters. However, Postrel discloses a database for storing offer parameters of coupon offering companies that provide the parameters to a travel

coupon server [0012; 0013]. The travel coupon server may generate an initial package for the traveler [0059] and the offer is stored in the database where the user identifier is associated with the offer [0060]. The coupon server then prepares a traveler package [0061; 0066]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the method disclosed by Postrel. Postrel states that the travelers typically know little of the available offerings other than the information that is supplied by a travel agent. Thus, the system helps to publicize the offerings of multiple companies to customers.

As per **claim16**, Schiff et al further discloses further comprising: a customer preference repository including a plurality of customer travel preferences associated with said customer; wherein said travel package profile includes one or more of said plurality of customer travel preferences (0075).

As per **claim 18**, Schiff et al further discloses wherein said market place engine further comprises: an offering repository capable of storing said travel service provider inventory information (0076).

As per **claim 19**, Schiff et al further discloses further comprising: a market place engine interface programmable to facilitate communication between said market place engine and said dynamic packaging engine (0082).

As per **claim 20**, Schiff et al further discloses wherein said customer interface further comprises: a hypertext transfer protocol server capable of presenting custom web pages to said customer via the World Wide Web (0052; 0107).

As per **claim 21**, Schiff et al further discloses wherein said customer interface further comprises: an email server capable of sending email messages to, and receiving email messages from, said customer via the Internet (0055).

8. **Claims 5, 6, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Iyengar et al [U.S. Patent No. 6,360,205].

As per **claim 5**, Vance et al discloses all the limitations of claims 1 and 4. Vance et al does not disclose wherein said step of identifying one or more relevant customer travel preferences further comprises the steps of: receiving a customer request including a plurality of customer travel preferences; and selecting said one or more relevant customer travel preferences from said plurality of received customer travel preferences. However, Iyengar et al discloses that a customer request is received including travel preferences and those preferences are used in generating a travel service (col 11, lines 7-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides the motivation that the form is pre-populated with the user preference for convenience, which indicates that the user does not have to retype each preference when a new request is entered.

As per **claim 6**, Vance et al does not disclose wherein said step of identifying one or more relevant customer travel preferences further comprises the steps of:

accessing a database containing a plurality of customer preferences compiled in connection with one or more previous transactions with said customer; and selecting said one or more relevant customer travel preferences from said plurality of customer travel preferences. However, Iyengar et al discloses that a general database is accessed containing historical data to pre-populate user request form (col 8, lines 25-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides the motivation that the stored information can be used at a later time so that the user could avoid typing that information into a form again.

As per **claim 9**, Vance et al does not disclose receiving a request from said customer via a travel service request web page; and wherein said step of presenting said two or more selected travel services as a custom travel package to said customer includes: creating a custom web page containing a description of said custom travel package; and transmitting said custom web page to said customer. However, Iyengar et al discloses that a travel request is received via a webpage and the travel service including a description is presented to the customer (col 11, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Iyengar et al to allow the user to quickly access additional information about the travel package which may aid customers in making a decision.

As per **claim 10**, Vance et al does not disclose further comprising the steps of: maintaining an offering repository of one or more of said travel service inventories associated with said plurality of travel service providers; periodically receiving travel service inventory updates from one or more of said plurality of travel service providers; and updating said offering repository in accordance with said travel service inventory updates. However, Iyengar et al discloses that a repository of available travel service inventory is maintained and updated (col 6, lines 60-67; col 8, lines 39-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Iyengar et al to provide the user with the most current information from which to make a selection for travel services.

9. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Iyengar et al [U.S. Patent No. 6,360,205] and Postrel [US 2004/0220854].

As per **claim 13**, Vance et al discloses a method of packaging travel services for a customer, comprising the steps of: communicating with a plurality of travel service providers, wherein each of said plurality of providers is associated with one or more travel service inventories; identifying a plurality of travel services available from said travel service inventories; and presenting said selected travel services as a travel package to said customer (col 5, lines 34-48). Vance et al does not disclose identifying one or more marketing campaign parameters; and selecting travel services based at

least in part on said marketing campaign parameters; wherein said plurality of travel services includes a plurality of special fare travel services; selecting two or more travel services from said plurality of travel services, wherein said selected two or more travel services includes at least one special fare travel service selected from said plurality of special fare travel services. However, Postrel discloses a database for storing offer parameters of coupon offering companies that provide the parameters to a travel coupon server [0012; 0013]. The travel coupon server may generate an initial package for the traveler [0059] and the offer is stored in the database where the user identifier is associated with the offer [0060]. Throughout the time prior to actual coupon generation, more offers may be compiled and stored by the server [0060]. The coupon server then prepares a traveler package [0061; 0066]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the method disclosed by Postrel. Postrel states that the travelers typically know little of the available offerings other than the information that is supplied by a travel agent. Thus, the system helps to publicize the offerings of multiple companies to customers. Furthermore, Iyengar et al discloses that special fares available are presented to customers as part of the selected travel services (col 11, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides motivation that special fares are provided because there is no additional costs associated with accessing the central

reservation system, which reduces costs for low cost and smaller airlines (col 1, lines 56-67).

10. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Williams [U.S. Publication No. US 2003/0149600].

As per **claim 8**, Vance et al discloses all the limitations of claim 1. Vance et al does not disclose wherein said step of presenting said two or more selected travel services as a custom travel package to said customer further comprises the step of: creating a custom email message containing a description of said custom travel package; transmitting said custom email message to said customer. However, Williams discloses that a custom confirmation including reservation description is emailed to the customer (0070-0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Williams so that the customer will have a personal copy of the transaction.

11. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Barth et al [U.S. Publication No. US 2005/0010567].

As per **claim 11**, Vance et al discloses all the limitations of claim 1. Vance et al does not disclose further comprising the steps of: receiving an order for said custom

travel package from said customer; and reserving said selected two or more selected travel services for said customer. However, Barth et al discloses that the search for travel services incorporates service rules when constructing the results (0216 and 0229). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that it is prudent to narrow the results so that useful results are returned to the customer.

12. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [U.S. Publication No. US 2002/0082877] in view of Barth et al [U.S. Publication No. US 2005/0010567].

As per **claim 15**, Schiff et al discloses all the limitations of claim 14. Schiff et al does not disclose wherein: said dynamic packaging engine is further programmable to receive an order from said customer for said selected travel services; and said market place engine is further programmable to reserve said selected travel services on behalf of said customer. However, Barth et al discloses a search system that is able to receive a customer request and then automatically reserve the travel service that was returned based on the customer's preference (0197). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Schiff et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that this is a method to secure purchasable items that have a time-limited availability (0196).

13. **Claims 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Barth et al [U.S. Publication No. US 2005/0010567] and Postrel [US 2004/0220854].

As per **claim 25**, Vance et al discloses A system for packaging travel services for a customer, said system comprising: an exchange means for sharing information with one or more travel service provider inventory systems via an open-standard distributed computer network to receive one or more updated inventories of available travel services associated with one or more travel service providers (col 4, lines 26-38); a storage means for storing said updated inventories of available travel services; a packaging means, in communication with said exchange means, for selecting a plurality of travel services from said inventories of available travel services, wherein said selection is based upon a package profile; a presentation means, in communication with said packaging means, for presenting said selected plurality of travel services as a package to said customer via a TCP/IP network (col 5, lines 30-48). Vance et al does not disclose a plurality of marketing campaign parameter; a package profile including one or more of said plurality of marketing campaign parameters; an order processing means for receiving and processing orders for said selected plurality of travel services from said customer via said TCP/IP network; and a fulfillment means for sharing information with one or more of said travel service providers via said open-standard distributed computer network to reserve said selected plurality of travel services on behalf of said customer. However, Postrel discloses a database for storing offer

parameters of coupon offering companies that provide the parameters to a travel coupon server [0012; 0013]. The travel coupon server may generate an initial package for the traveler [0059] and the offer is stored in the database where the user identifier is associated with the offer [0060]. The coupon server then prepares a traveler package [0061; 0066]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the method disclosed by Postrel. Postrel states that the travelers typically know little of the available offerings other than the information that is supplied by a travel agent. Thus, the system helps to publicize the offerings of multiple companies to customers. Furthermore, Barth et al discloses a travel packaging service that is able to receive a customer request over an open-standard distributed computer network and then automatically reserve the travel service that was returned based on the customer's preference (0078; 0086; 0197). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that this is a method to secure purchasable items that have a time-limited availability (0196).

As per **claim 26**, Vance et al further discloses said system further comprising: a plurality of customer travel preferences associated with said customer; wherein said package profile includes one or more of said plurality of customer travel preferences (col 5, lines 13-17).

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-

272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Shannon S Saliard  
Examiner  
Art Unit 3639

sss

  
THOMAS A. DIXON  
PRIMARY EXAMINER